

спрямування коштів, одержаних від продажу майна банкрута на виплату заборгованості із заробітної плати лише за три місяці роботи, які передують порушенню справи про банкрутство хоча і в першу чергу, але після задоволення вимог, забезпечених заставою. Водночас ст. 49 Закону розрахунки щодо оплати праці взагалі відносить до другої черги. Закон містить і інші недоліки та проблеми застосування, що обумовлюють як необхідність його удосконалення, так і подальших наукових розробок цієї тематики.

Lagutina I. V.

*National University «Odessa Academy of Law»,
associate professor of the department of labour law and social security law,
candidate of law*

THE ROLE OF SOCIAL PARTNERS IN VOCATIONAL TRAINING IN THE EUROPEAN UNION

Skills development is a key factor in the employability of employees and the sustainability of enterprises. One of the objectives of skills development systems is therefore to ensure that the skills acquired match the skills valued in the workplace. Skills development systems must also help employees and enterprises adjust to change and handle new conditions. These may be triggered by climate change, globalization, demographic trends, technological progress or financial crisis.

The aim of vocational training in the EU policy context is to produce a highly skilled and adaptable workforce. The Commission's 1993 White Paper on Growth, Competitiveness and Employment stressed the need for a significant increase in investment in human capital and greater and more effective efforts in vocational training. The Lisbon European Council in March 2000 set the European Union the strategic goal of becoming 'the most competitive and dynamic knowledge-based society in the world'. The Barcelona European Council in March 2002 gave a mandate to make European education and training a world reference by 2010, and to develop closer cooperation in vocational training.

A number of initiatives in the 1980s were precursors to what is now the Leonardo Programme, adopted in 1994. The aim of the Leonardo programme is to contribute to the implementation of an EU vocational training policy. On 12 November 2002, the Council of the European Union approved a Resolution on the promotion of enhanced European cooperation in vocational education and training, giving a formal mandate to pursue the objectives developed under the Leonardo Programme. The aim is to support and supplement action taken by the Member States, using transnational cooperation to improve quality, promote innovation and strengthen the European dimension of training systems and practices. The programme has been progressively opened to participation by 30 countries.

A joint text on lifelong learning was signed in February 2002 by the EU-level social partners. Aimed at supporting the lifelong development of competencies, the text highlights four priority areas for action: identification and anticipation of competencies and qualifications needs; recognition and validation of competencies and qualifications; information, support and guidance; and resources.

Young people are in a particularly challenging position in relation to work opportunities and conditions of work. Youth unemployment was already a significant issue in all Member States before the financial crisis.

Trade unions also acknowledge and recognise the difficulties facing young workers. There is evidence that the challenges facing young people are understood by trade unions in different countries and that many have initiated efforts to recruit and engage young workers. Since the crisis, some unions have pushed the issue of helping young workers up their agenda and have campaigned on it. But given the low membership of trade unions by young workers in many countries, serious challenges remain to their effective representation.

Three central issues can be identified in relation to trade union responses to helping young workers during the crisis. They are: campaigning to recruit more young workers; promoting more extensive use of apprenticeships and training to integrate young workers and promoting reform of education systems; campaigning to improve the transition from education to the labour market and to secure job opportunities for young workers.

Almost all countries report considerable interest from trade unions in trying to represent the interests of young workers more effectively as a consequence of the crisis, although some note that the interests of older workers often take higher priority. In many countries this is accompanied by a keenness to increase membership representation among the young workers group.

For instance, a training programme set up by Bayer AG in 1988 is designed to give disadvantaged young people an opportunity to receive vocational training. The programme allows these young people, who do not have sufficient qualifications, to directly enter an apprenticeship, and the opportunity to attain qualifications and acquire professionally relevant knowledge during a one-year preparatory course. Over the years, the programme has helped 745 participants to achieve a vocational qualification and to integrate into the workforce. The initiative is part of the corporate culture of the company. The programme's success and its recognition is also considered as a positive aspect for the company.

The company developed the initiative independently, although it is more costly than the regular apprenticeship programme. About €4.2 million is invested in the programme annually and is fully financed by the company. The intensive coaching and guidance of participants leads to a high success rate with almost

90 % of participants succeeding in getting an apprenticeship contract at Bayer (85 %) or with other companies.

Bayer developed the vocational preparation programme independently with the intention of giving socially disadvantaged young people an opportunity to receive vocational training and it does not receive any subsidies to carry out the project.

In countries where mobilisation is an important way of placing pressure on governments and decision-makers, there is some evidence of unions taking joint action with organisations representing young people. In France, for example, there have been joint actions against proposed reforms to increase the retirement age. During recent protests against increasing the age of retirement by two years, one of the most consistent arguments made by trade unions was that it would have a negative impact on job opportunities for young people. Strategic alliances were formed between youth groups, student groups and unions.

Thus education, vocational training and lifelong learning are central pillars of employability, employment of employees and sustainable enterprise development.

Тарасенко В. С.

*Національний університет «Одеська юридична академія», доцент кафедри
трудового права та права соціального забезпечення,
кандидат юридичних наук*

ПРОБЛЕМНІ ПИТАННЯ ВИПЛАТИ КОМПЕНСАЦІЇ ПРАЦІВНИКАМ, ЩО ВИКОНУЮТЬ ГРОМАДСЬКІ РОБОТИ

В умовах нестачі вільних робочих місць для постійної зайнятості особливе значення набувають оплачувані громадські роботи. Участь у них мотивує людину до праці, змінює її уявлення про підходящу роботу і є джерелом додаткового прибутку та засобом переходу до постійного працевлаштування. Саме за рахунок тимчасової зайнятості можливо оперативно задовольнити потреби роботодавців у робочій силі та виконати певні види робіт. Отже, оплачувані громадські роботи приносять суспільну користь і сприяють соціально-економічному розвитку території.

Оплачувані громадські роботи – загальнодоступні види некваліфікованих робіт, а також кваліфіковані роботи, які організовуються з метою надання додаткової соціальної підтримки та забезпечення тимчасової зайнятості осіб, які шукають роботу (Положення про порядок організації та проведення оплачуваних громадських робіт: Затв. постановою Кабінету Міністрів України від 10 вересня 2008 року № 839 // Офіційний вісник України. – 2008. – № 72. – Ст. 2423). Переважним правом укладання договорів на участь у громадських роботах користуються громадяни, зареєстровані як безробітні.